

July 21, 2017

U.S. District Judge Margo Brodie
Eastern District of New York
225 Cadman Plaza
Brooklyn, NY

Dear Judge Brodie,

I am a member of the public and a reporter for Newsday, covering the case of U.S. v. Hurant, 16CR45. I am writing to request access to Docket #126, a "Sentencing Memorandum Supplement" filed by the defense on July 20, which is designated "Document Under Seal" by PACER.

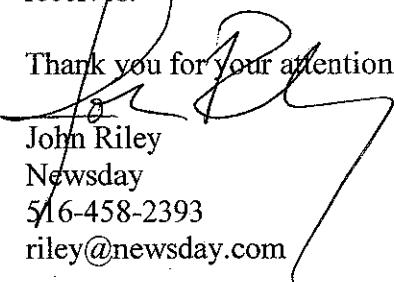
As you know, there is a presumption of press and public access to court proceedings and judicial documents under both the Constitution and the common law. This presumption applies to sentencing. It can only be overcome if there is a finding on the record by you that there is a compelling government interest in secrecy. Any sealing must be narrowly tailored.

In this case, no finding by you appears on the docket, and no defense submission suggesting reasons a "Sentencing Memorandum Supplement" should be kept secret from the public appears on the docket.

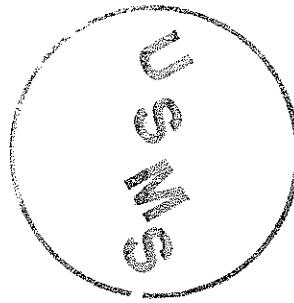
You have issued an order asking the government to respond, which says that the memorandum concerns the "applicable base offense level." This indicates that Docket 126 is a judicial document which you are considering in determining the sentence. In addition, as the nature of the document is described -- an argument over the base offense level -- it provides no legitimate reason for the defense keeping it secret.

The presumption reflects a belief that transparency enhances trust in our courts, and secrecy erodes it. The public should know the arguments that have shaped the sentence Mr. Hurant receives.

Thank you for your attention.


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